C.S. 102 (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR [CHHATTISGARH]

WRIT PETITION NO.3351 OF 2004

PETITIONER

Ramnarayan Suryavanshi S/o Arjun Singh, aged about 57 years, Upper Division Teacher, Higher Secondary School, Ramchanderpur, Block-Ramchanderpur, District – **Sarguja** (CG).

VERSUS

RESPONDENTS

1. State of Chhattisgarh through Secretary, Tribal Welfare Dept. Government of Chhattisgarh, D.K.S. Bhawan, **Raipur** (CG).

2. Collector, Tribal Welfare, Ambikapur, District – **Sarguja** (CG).

3. Shri Ramvichar Netam s/o Shri Ramlochan, aged 42 years, Minister for Tribal Welfare, Govt. of Chhattisgarh, D.K.S. Bhawan, **Raipur** (CG).

4. S.K. Dwivedi, Upper Division Teacher, High Court, Ketka, Surajpur, District **Sarguja** (C.G.).

R.R. No. 324-30/04
Presented by Shri Ghasiram Rajwade Adv.
dated 21-9-04
6/2 21/9/04

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

(42)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 3351 of 2004

Petitioner — Ramnarayan Suryavanshi

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Mr. Ghanshyam Patel, Advocate for the petitioner.
Ms. Deepali Pandey, Panel Lawyer for the respondents/State

ORDER

(Passed on this 27th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner, while working as Upper Division Teacher in Higher Secondary School, Ramchanderpur, was transferred to Middle School, Dhur, Odgi, on the same terms and conditions vide impugned transfer order dated 31.7.2004 (Annexure P/1).
2. This Court vide interim order dated 29.10.2004 directed that no punitive action shall be taken against the petitioner till the next date of hearing. By virtue of the interim order, the petitioner must have continued on the same place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge